

Interim Resolution CM/ResDH(2018)470
Execution of the judgment of the European Court of Human Rights
Zorica Jovanović against Serbia

(Adopted by the Committee of Ministers on 6 December 2018 at the 1331st meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
21794/08	ZORICA JOVANOVIĆ	26/03/2013	09/09/2013

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”);

Recalling that the Court’s judgment in the present case became final on 9 September 2013 and that it concerns a violation of the applicant’s right to respect for her family life on account of the respondent State’s continuing failure to provide her with credible information as to the fate of her son, who allegedly died in a maternity ward in 1983 three days after his birth, but whose body she has never seen and whose burial place she has never been informed of;

Recalling further that, in view of the significant number of potential applicants with “missing” babies, the European Court held that “the respondent State must [by 9 September 2014] take all appropriate measures, preferably by means of a *lex specialis* [...] to secure the establishment of a mechanism aimed at providing individual redress to all parents in a situation such as, or sufficiently similar to, the applicant’s”;

Expressing their gravest concern that, despite the Committee of Ministers’ repeated calls, including in the interim resolution adopted in September 2017 ([CM/ResDH\(2017\)292](#)), the authorities have still failed to adopt legislation establishing such a mechanism;

Recalling the unconditional obligation of Serbia, under Article 46 of the Convention, to abide by the judgments of the Court fully, effectively and promptly;

REITERATED FIRMLY THEIR CALL UPON the authorities to take all necessary steps to ensure that the legislative process is brought to conclusion as a matter of utmost priority;

DECIDED to examine this case at each of the Committee’s Human Rights meetings until the draft law currently pending before Parliament is adopted.